IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25473 of 2006

DATED: 28.12.2006

Between:

J.S.Narayana petitioner

And

The APSRTC
Rep by its Regional Manager,
Kurnool and another Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 25473 of 2006

ORAL ORDER:

The petitioner is working as a Driver in the respondent-APSRTC. Disciplinary proceedings were initiated against him, alleging misbehaviour with a service conductor. On the basis of the report submitted by the Deputy superintendent (T) dated 29.5.2004, a charge sheet dated 10.6.2004 was issued and petitioner was suspended pending enquiry. The petitioner submitted his explanation to the charge sheet dt 14.6.2004.

The enquiry officer submitted his report dated 14.7.2004 holding the petitioner guilty of the charges leveled against him. Based on the report of the enquiry officer, without issuing a show cause notice, proceedings dated 7.8.2004 were issued imposing the punishment of deferment of the annual increment for a period of one year with cumulative effect, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. The petitioner submitted his comments/objections to the enquiry report, however, without considering the same the impugned order was passed. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.2, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of two years with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the

entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 7-8-2004, passed by respondent No.2, imposing punishment of deferment of annual increment for a period of one year with cumulative effect, is modified to that of deferment of annual increment for a period of one year without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 28.12.2006
Tvk

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